

SW



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,381	04/07/2000	Craig Spielmann	JPM-001	2456

7590 12/01/2003  
Andrew F Strobert  
Skadden Arps Slate Meagher & Flom LLP  
Four Times Square  
New York, NY 10036

EXAMINER

VAN DOREN, BETH

ART UNIT	PAPER NUMBER
----------	--------------

3623

DATE MAILED: 12/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/545,381

Applicant(s)

SPIELMANN ET AL.

Examiner

Beth Van Doren

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09/17/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/17/03 has been entered.

2. The following is a non-final office action in response to the request for continued examination received on 09/17/03. Claims 1, 10, 14, and 16 have been amended. Claims 1-18 are now pending in this Application.

### ***Response to Arguments***

3. Applicant's argument with regard to the rejections based on Weinstock et al. (U.S. 6,223,143) has been fully considered but it is not persuasive. In the remarks, the Applicant argues that Weinstock et al. does not teach or suggest identifying control procedures that are deemed as a means to mitigate risk.

In response to the argument of the Applicant, Examiner respectfully disagrees. Weinstock et al. teaches identifying risks, creating an outline (or control procedure) of the events that occur in producing each of the risks, assigning a weight to each outline, and then rating and ranking the outlines by quantifying/assessing the ordered set of events. Weinstock et al. teaches that after these steps occur, a sensitivity feature is used to allow modification of the control procedures to assess how the risks could be mitigated. See specifically column 3, lines 15-37, and column 9, lines 5-24, but see at least column 2, lines 65-67, column 3, lines 25-37, column 7,

Art Unit: 3623

lines 30-40, column 8, lines 5-10, 29-34, 45-48, and 53-55, column 9, lines 5-24, column 13, lines 42-59, and column 14, lines 1-5. Therefore, but manipulating and editing the control procedures that create the risk, a user can look at different options of how to minimize and eliminate risk and see the effects on the rest of the system. Examiner points out that Weinstock et al. teaches a “quantitative risk assessment system” that quantifies the risk of a project before the implementation of the project, and since it is well known that the purpose of risk assessment is to identify and eliminate risk, the purpose of Weinstock et al. is clearly the mitigation, or lessening, of risk.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-3 and 6-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Weinstock et al. (U.S. 6,223,143).

Art Unit: 3623

5. As per claim 1, Weinstock et al. teaches a method of managing risk with the aid of a computer system, said method comprising:

- a. identifying a set of risk elements, said risk elements being stored in a database coupled to said computer (See at least column 1, lines 14-16, column 2, lines 65-67, column 3, lines 1-7 and 13-16, column 5, lines 63-67, column 6, lines 35-55, column 7, lines 45-50 and 59-67, and column 8, lines 1-18, which disclose identifying a set of risk elements, said risk elements being stored in a database coupled to said computer);
- b. for at least one risk element, identifying one or more control procedures as a means for mitigating said risk element (See at least column 2, lines 65-67, column 3, lines 25-37, column 7, lines 30-40, column 8, lines 5-10, 29-34, 45-48, and 53-55, column 9, lines 5-24, column 13, lines 42-59, and column 14, lines 1-5, which discuss identifying one or more control procedures associated with each risk element, these control procedures being scenarios that result in risk and these control procedures being edited and manipulated to reduce and eliminate risk);
- c. associating said one or more control procedures with said risk element, said control procedures being stored in said database (See at least column 8, lines 5-10, 29-34, 45-48, and 53-55, column 13, lines 42-59, and column 14, lines 1-5, wherein these control procedures being stored in the database);
- d. assigning a weight to each said control procedure (See column 8, lines 46-52, column 9, lines 30-36, column 11, lines 49-67, and column 12, lines 8-17 and 47-65, which disclose assigning a weight to each of said control procedures);

- e. identifying a compliance rating for each said control procedure (See column 8, lines 45-67, column 9, lines 30-36, column 12, lines 23-42, column 22, lines 23-29, and column 23, lines 1-18, which discloses determining a compliance rating for each control procedure); and
  - f. calculating a compliance score, each compliance score being a function of said assigned weights and said compliance rating of said control procedures (See at least column 8, lines 55-64, column 22, lines 23-29, and column 23, lines 1-5, which discuss calculating a compliance score, this score being a function of said assigned weights and said compliance rating of said control procedures).
6. As per claim 2, Weinstock et al. teaches a method wherein said compliance ratings comprise at least one rating identifying a non-fully compliant control procedure, said method further comprising the steps of:
- a. for each said control procedure having a non-fully compliant rating, receiving a signal indicating whether said non-fully compliant control procedure is accepted or not accepted (See column 8, lines 55-64, column 9, lines 1-5 and 5-24, and column 22, lines 23-37, which discuss for each control procedure not having a fully compliant rating, receiving a signal indicating whether the control procedure is accepted or not accepted); and
  - b. for each of said non-fully compliant control procedure which is indicated as not accepted, generating an action plan (See column 9, lines 12-24, which discusses for each non-fully compliant control procedure generating an action plan).

7. As per claim 3, Weinstock et al. teaches a method wherein said action plan includes a target date, said method further comprising the step of calculating an expected compliance score for one or more future dates based on said action plan target dates (See column 3, lines 34-37, column 9, lines 12-24, column 11, lines 49-53 and 60-67, column 12, lines 1-5 and 8-24, column 13, lines 5-22, column 14, lines 22-47, and column 22, lines 23-39 and 63-65, which discuss the action plan, this action plan having target dates/times, and an expected compliance score is calculated using these target dates/times).

8. As per claim 6, Weinstock et al. teaches a method further comprising the step of associating one or more parameters with each said compliance rating (See column 8, lines 45-67, column 9, lines 12-24, and column 16, lines 48-53, which discuss associating one or more parameters with each compliance rating).

9. As per claim 7, Weinstock et al. teaches a method wherein said one or more parameters are selected from the group comprising organization, business line, process, and region (See at least column 8, lines 45-67, column 9, lines 6-11 and 12-24, column 16, lines 48-53, column 17, lines 25-40, and column 25, lines 16-25, which disclose process parameters).

10. As per claim 8, Weinstock et al. teaches a method further comprising the step of sorting said compliance scores by said one or more parameters (See at least column 9, lines 6-11, column 17, lines 25-40, and column 25, lines 16-25, which disclose sorting the compliance scores by one or more parameters).

11. As per claim 9, Weinstock et al. discloses a method further comprising the step of displaying said sorted compliance scores (See column 9, lines 6-11, and figure 5A, which disclose displaying the sorted compliance scores).

12. As per claim 10, Weinstock et al. teaches a method of managing risk with the aid of a computer system, said method comprising:

- a. identifying a set of risk elements, said risk elements being stored in a database coupled to said computer (See at least column 1, lines 14-16, column 2, lines 65-67, column 3, lines 1-7 and 13-16, column 5, lines 63-67, column 6, lines 35-55, column 7, lines 45-50 and 59-67, and column 8, lines 1-18, which disclose identifying a set of risk elements, said risk elements being stored in a database coupled to said computer);
- b. identifying one or more subrisk elements associated with each said risk elements, each subrisk element being stored in said database (See at least column 1, lines 14-16, column 2, lines 65-67, column 3, lines 1-7 and 13-16, column 5, lines 63-67, column 6, lines 35-55, column 7, lines 45-50 and 59-67, column 8, lines 1-18, 29-34, 45-48, and 53-55, column 13, lines 42-59, and column 14, lines 1-5, which disclose identifying one or more subrisk element associated with the risk elements, this identified subrisks being stored in a database);
- c. for at least one subrisk element, identifying one or more control procedures associated as a means for mitigating subrisk element (See at least column 2, lines 65-67, column 3, lines 25-37, column 7, lines 30-40, column 8, lines 5-10, 29-34, 45-48, and 53-55, column 9, lines 5-24, column 13, lines 42-59, and column 14, lines 1-5, which discuss identifying one or more control procedures associated with each risk element, these control procedures being scenarios that result in risk and these control procedures being edited and manipulated to reduce and eliminate risk);



- d. associating said one or more control procedures with said risk element, said control procedures being stored in said database (See at least column 8, lines 5-10, 29-34, 45-48, and 53-55, column 13, lines 42-59, and column 14, lines 1-5, wherein these control procedures being stored in the database);
- e. assigning a weight to each said control procedure (See column 8, lines 46-52, column 9, lines 30-36, column 11, lines 49-67, and column 12, lines 8-17 and 47-65, which disclose assigning a weight to each of said control procedures);
- f. identifying a compliance rating for each said control procedure, said compliance ratings including a plurality of categories including at least one category indicating said control procedure is not fully compliant (See column 8, lines 45-67, column 9, lines 30-36, column 12, lines 23-42, column 22, lines 23-29, and column 23, lines 1-18, which discloses determining a compliance rating for each control procedure, the compliance rating having a plurality of categories including categories indicating the control procedure is not fully compliant);
- g. calculating a compliance score, said compliance score being a function of said assigned weights and said compliance rating of said control procedures (See at least column 8, lines 55-64, column 22, lines 23-29, and column 23, lines 1-5, which discuss calculating a compliance score, this score being a function of said assigned weights and said compliance rating of said control procedures);
- h. for each subrisk, determining whether at least one control procedure associated with said subrisk is not fully compliant (See column 8, lines 55-64, column 9, lines 1-5

and 5-24, and column 22, lines 23-37, which discuss at least one control procedure not having a fully compliant rating);

i. for each subrisk associated with at least one control procedure which is not fully compliant, receiving a signal indicating whether said subrisk should be accepted or not accepted (See column 8, lines 55-64, column 9, lines 1-5 and 5-24, and column 22, lines 23-37, which discuss for each control procedure not having a fully compliant rating, receiving a signal indicating whether the control procedure is accepted or not accepted); and

j. for each subrisk which is indicated as not accepted, generating an action plan (See column 9, lines 12-24, which discusses for each non-fully compliant control procedure generating an action plan).

13. As per claim 11, Weinstock et al. teaches a method wherein said action plan further includes a target date, said method further comprising the step of calculating a future compliance score based on said action plan target dates (See column 3, lines 34-37, column 9, lines 12-24, column 11, lines 49-53 and 60-67, column 12, lines 1-5 and 8-24, column 13, lines 5-22, column 14, lines 22-47, and column 22, lines 23-39 and 63-65, which discuss the action plan, this action plan having target dates/times, and an expected compliance score is calculated using these target dates/times).

14. As per claim 12, Weinstock et al. teaches a method further comprising the step of associating one or more parameters with each said compliance rating (See column 8, lines 45-67, column 9, lines 12-24, and column 16, lines 48-53, which discuss associating one or more parameters with each compliance rating).

15. As per claim 13, Weinstock et al. teaches a method further comprising the step of sorting said compliance ratings and displaying said sorted ratings (See at least column 9, lines 6-11, column 17, lines 25-40, and column 25, lines 16-25, which disclose sorting the compliance scores by one or more parameters. See column 9, lines 6-11, and figure 5A, which disclose displaying the sorted compliance scores).

16. As per claim 14, Weinstock et al. teaches a method of forecasting risk with the aid of a computer system, said method comprising:

- a. identifying a set of risk elements, said risk elements being stored in a database coupled to said computer (See at least column 1, lines 14-16, column 2, lines 65-67, column 3, lines 1-7 and 13-16, column 5, lines 63-67, column 6, lines 35-55, column 7, lines 45-50 and 59-67, and column 8, lines 1-18, which disclose identifying a set of risk elements, said risk elements being stored in a database coupled to said computer);
- b. for at least one risk element, identifying one or more control procedures as a means for mitigating said risk element (See at least column 2, lines 65-67, column 3, lines 25-37, column 7, lines 30-40, column 8, lines 5-10, 29-34, 45-48, and 53-55, column 9, lines 5-24, column 13, lines 42-59, and column 14, lines 1-5, which discuss identifying one or more control procedures associated with each risk element, these control procedures being scenarios that result in risk and these control procedures being edited and manipulated to reduce and eliminate risk);
- c. associating said one or more control procedures with said risk element, said control procedures being stored in said database (See at least column 8, lines 5-10, 29-34,

45-48, and 53-55, column 13, lines 42-59, and column 14, lines 1-5, wherein these control procedures being stored in the database);

d. assigning a weight to each said control procedure (See column 8, lines 46-52, column 9, lines 30-36, column 11, lines 49-67, and column 12, lines 8-17 and 47-65, which disclose assigning a weight to each of said control procedures);

e. identifying a compliance rating for each said control procedure, said compliance rating chosen from a set of ratings including at least one rating identifying a non-fully compliant control procedure and at least one rating identifying fully compliant control procedures (See column 8, lines 45-67, column 9, lines 30-36, column 12, lines 23-42, column 22, lines 23-29, and column 23, lines 1-18, which discloses determining a compliance rating for each control procedure, the compliance rating chosen from a set of ratings including at least one indicating a non-fully compliant control procedure and at least one indicating fully compliant control procedures).

f. for each said control procedure having a non-fully compliant rating, generating an action plan, said action plan including a target date for at least one action listed therein (See at least column 8, lines 55-64, column 22, lines 23-29, and column 23, lines 1-5, which discuss calculating a compliance score, this score being a function of said assigned weights and said compliance rating of said control procedures. See column 3, lines 34-37, column 9, lines 12-24, column 11, lines 49-53 and 60-67, column 12, lines 1-5 and 8-24, column 13, lines 5-22, column 14, lines 22-47, and column 22, lines 23-39 and 63-65, which discuss the action plan, this action plan having target dates/times); and

- g. calculating an expected compliance score for a future date, said expected compliance score being a function of said assigned weights, said fully compliant control procedures, and said action plan target dates for said non-fully complaint control procedures (See column 3, lines 34-37, column 8, lines 45-67, column 9, lines 12-24 and 30-36, column 11, lines 49-53 and 60-67, column 12, lines 1-5 and 8-24, column 13, lines 5-22, column 14, lines 22-47, and column 22, lines 23-39 and 63-65, which discuss calculating an expected compliance score for an action plan, this action plan having target dates/times).
- 17. As per claim 15, Weinstock et al. teaches a method wherein said action plan comprises a signal indicating whether said non-fully compliant rating is accepted or not accepted, said expected compliance score further being a function of said non-fully compliant ratings which have been accepted (See column 8, lines 55-64, column 9, lines 1-5 and 5-24, and column 22, lines 23-37, which discuss for each control procedure not having a fully compliant rating, receiving a signal indicating whether the control procedure is accepted or not accepted. The expected compliance score is a function of non-fully compliant ratings, some of which have been accepted).
- 18. As per claim 16, Weinstock et al. teaches a data processing system for managing risk, said system comprising
  - a. a database (See column 6, lines 42-50, which discloses the system comprising a database);

- b. a processor coupled to said database, said processor being programmed to perform the steps comprising (See column 6, lines 42-50, which discloses the system comprising a processor coupled to a database. This processor performs steps):
  - i. receiving a first signal identifying a set of risk elements, said risk elements being stored in said database (See at least column 1, lines 14-16, column 2, lines 65-67, column 3, lines 1-7 and 13-16, column 5, lines 63-67, column 6, lines 35-55, column 7, lines 45-50 and 59-67, and column 8, lines 1-18, which disclose identifying a set of risk elements, said risk elements being stored in said database);
  - ii. receive a second signal identifying one or more control procedures associated with each said risk element, said control procedure comprising a means to mitigate said risk element, said control procedure being stored in said database (See at least column 2, lines 65-67, column 3, lines 25-37, column 7, lines 30-40, column 8, lines 5-10, 29-34, 45-48, and 53-55, column 9, lines 5-24, column 13, lines 42-59, and column 14, lines 1-5, which discuss identifying one or more control procedures associated with each risk element, these control procedures being scenarios that result in risk and these control procedures being edited and manipulated to reduce and eliminate risk, said control procedures stored in a database);
  - iii. receive a third signal assigning a weight to each said control procedure,

said weight being stored in said database (See column 8, lines 46-52, column 9, lines 30-36, column 11, lines 49-67, and column 12, lines 8-17 and 47-65, which disclose assigning a weight to each of said control procedures);

iv. receive a fourth signal identifying a compliance rating for each said control procedure (See column 8, lines 45-67, column 9, lines 30-36, column 12, lines 23-42, column 22, lines 23-29, and column 23, lines 1-18, which discloses identifying a compliance rating for each control procedure); and

v. calculate a compliance score, said compliance score being a function of said assigned weights and said compliance rating of said control procedures (See at least column 8, lines 55-64, column 22, lines 23-29, and column 23, lines 1-5, which discuss calculating a compliance score, this score being a function of said assigned weights and said compliance rating of said control procedures).

19. As per claim 17, Weinstock et al. teaches a data processing system wherein said compliance ratings comprise at least one rating identifying a non-fully compliant control procedure, said processor being further programmed to perform the steps comprising:

a. for each said control procedure having a non-fully compliant rating, receiving a signal indicating whether said non-fully compliant rating is accepted or not accepted (See column 8, lines 55-64, column 9, lines 1-5 and 5-24, and column 22, lines 23-37, which discuss for each control procedure not having a fully compliant rating, receiving a signal indicating whether the control procedure is accepted or not accepted);

b. for each said non-fully compliant control procedure which is indicated as not accepted, receiving an action plan, said action plan including an expected target date for

implementation and an expected compliance rating (See column 3, lines 34-37, column 9, lines 12-24, column 11, lines 49-53 and 60-67, column 12, lines 1-5 and 8-24, column 13, lines 5-22, column 14, lines 22-47, and column 22, lines 23-39 and 63-65, which discusses for each non-fully compliant control procedure generating an action plan, this action plan having target dates/times); and

c. generating one or more future expected compliance scores, said compliance scores being a function of said target dates, said assigned weights, and said expected compliance rating of said control procedures (See column 3, lines 34-37, column 8, lines 55-64, column 9, lines 12-24, column 11, lines 49-53 and 60-67, column 12, lines 1-5 and 8-24, column 13, lines 5-22, column 14, lines 22-47, column 22, lines 23-39 and 63-65, and column 23, lines 1-5, which discuss the action plan and generating a future expected compliance score using these target dates/times, assigned weights, and expected compliance ratings).

20. As per claim 18, Weinstock et al. teaches a data processing system further comprising a computer display coupled to said processor, said processor further being programmed to display said compliance scores on a computer display (See column 6, lines 42-50, which discusses a computer display. See at least column 16, lines 33-41, column 18, lines 20-25, column 20, lines 16-24, column 25, lines 33-37 and 51-53, and column 26, lines 34-38, which discuss displaying compliance scores on a computer display).

***Claim Rejections - 35 USC § 103***

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:



(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weinstock et al. (U.S. 6,223,143) in view of Strategies and Tactics ("Consulting Services").

22. As per claim 4, Weinstock et al. discloses a method comprising calculating compliance scores for the target dates, these compliance scores being calculated based on information about the project input by the user (See column 3, lines 34-37, column 9, lines 12-24, column 11, lines 49-53 and 60-67, column 12, lines 1-5 and 8-24, column 13, lines 5-22, column 14, lines 22-47, column 16, lines 50-56, and column 22, lines 23-39 and 63-65, which discuss calculating compliance scores for target dates based on user input). However, Weinstock et al. does not expressly disclose the step of tracking whether said expected compliance scores have been met, said tracking including calculating actual compliance scores for the target dates.

Strategies and Tactics discloses implementing an action plan and tracking the actual performance of this action plan and whether the expected performance measures of the action plan have been met (See pages 5-7, which discuss implementing an action plan, said action plan having an expected outcome, and tracking an implemented action plan to see actual performance).

Both Weinstock et al. and Strategies and Tactics discuss assessing and managing risk through the implementation of alternative action plans that will minimize risk. It would have been obvious to one of ordinary skill in the art at the time of the invention to use tracked performance data as the data input into the system of Weinstock et al. by the user in order to

make the tool more capable of predicting and quantifying risks facing a system by validating the results produced by the tool and using any variations found to tune it.

23. As per claim 5, Weinstock et al. discloses calculating expected compliance scores for said target dates based on data input by the user and displaying original values along with newly determined values (See column 3, lines 34-37, column 9, lines 12-24, column 11, lines 49-53 and 60-67, column 12, lines 1-5 and 8-24, column 13, lines 5-22, column 14, lines 22-47, column 16, lines 50-56, and column 22, lines 23-39 and 63-65, which discuss calculating expected compliance scores for target dates based on user input. See column 25, lines 50-53, which discusses displaying original values along with newly determined values). However, Weinstock et al. does not expressly disclose calculating actual compliance for the target date or displaying specifically expected compliance scores versus actual compliance.

Strategies and Tactics discloses a method further comprising calculating actual compliance for the target dates and displaying results (See pages 6-7, which discusses actual compliance for the target dates and displaying the results). However, Strategies and Tactics does not expressly disclose displaying said expected compliance scores versus said actual compliance.

Both Weinstock et al. and Strategies and Tactics discuss assessing and managing risk through the implementation of alternative action plans that will minimize risk. It would have been obvious to one of ordinary skill in the art at the time of the invention to use tracked performance data as the data input into the system of Weinstock et al. by the user in order to make the tool more capable of predicting and quantifying risks facing a system by validating the results produced by the tool and using any variations found to tune it.

Art Unit: 3623

Furthermore, displaying theoretical versus actual data for comparison purposes is old and well known. It would have been obvious to one of ordinary skill in the art at the time of the invention to display the actual versus the expected scores for the risk assessment target date in order to increase the comprehension of the results by the user of the tool by using a graphical aid.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Masch (U.S. 5,930,762) teaches a computer implemented risk management system that looks at the parameters of a physical system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

*bvd*

bvd

November 17, 2003

*Susanna Ditz*  
Susanna Ditz  
Primary Examiner  
Art. 3623